

Summary of Major Provisions in 2010 Comprehensive Racial Profiling Bill

Racial Profiling on the Highways:

- Requires police officers to document in writing their “probable cause” or “reasonable suspicion” grounds for conducting a search. Also provides that the documentation will be public record, with few exceptions.
- Bars police from asking drivers for further documentation of identification beyond a driver’s license, vehicle registration, and/or proof of insurance during a routine traffic stop in the absence of reasonable suspicion of criminal activity.
- Bars police officers from asking motor vehicle passengers for identification in the absence of reasonable suspicion of criminal activity.
- Bars stops by police where police use a traffic violation as an excuse for pulling a car over for another reason. These stops are also known as “pretext” stops.
- Allows individuals to make use of collected traffic stop and search data in court to raise a “rebuttable inference of discrimination” where the statistics so suggest.
- Requires certain uniform standards for the use of, and access to, police cruiser camera videotapes. Also requires policy to be drafted regarding the use of in-cruiser mobile display terminals (MDTs).
- Reestablishes traffic stop data collection, and requires every law enforcement agency to formally submit a report on a quarterly basis certifying that the data have been reviewed for disparities, indicating whether that review has found any patterns relating to officers, locations or practices that are responsible for the disparity, and specifying any actions taken in response to documented racial disparities. For departments that have MDTs, data about their use must also be reported.

Racial Profiling of Immigrants:

- Requires that any arrangements that police departments have with the Bureau of Immigration and Customs Enforcement (ICE) be a matter of public record, including any agreements pursuant to 8 U.S.C. §1357(g) [more commonly known as §287(g)].
- Requires that any policies and procedures regarding inquiries of immigration status to ICE or the federal government be a matter of public record.

Racial Profiling of Juveniles:

- Restricts the use of so-called “consent searches” on juveniles. A consent search is a search in which the search is permitted only because the individual has given their consent.